

DRAFT

REGULAR MEETING

BOARD OF COUNTY COMMISSIONERS

JUNE 22, 2010

The Board of County Commissioners convened in regular session on this Tuesday, June 22, 2010, at Colony Cottage, The Villages, Florida, with the following members present to wit: Richard Hoffman, District No. 1; Douglas Gilpin, Chairman, District No. 2; Donald Burgess, Vice Chairman, District No. 3; Garry Breeden, District No. 4; and Randy Mask, 2nd Vice Chairman, District No. 5. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; Melissa Elliott, Deputy Clerk; Connie Webb, Deputy Clerk; and Derrill McAteer of The Hogan Law Firm, Attorneys for the Board. Chairman Gilpin called the meeting to order at 5:00 p.m. with the invocation given by 2nd Vice Chairman Mask followed by the flag salute led by Vice Chairman Burgess.

1. TIMED ITEMS AND PUBLIC HEARINGS

a. 5:00 PM - Public Hearing for C 470 from I-75 to the Lake County Line Project Development and Environment Study

Chairman Gilpin called for a public hearing to discuss the Project Development and Environment (PD&E) Study for C-470 from I-75 to the Lake County Line. This public hearing was continued from May 11, 2010. Bradley Arnold, County Administrator, advised that the Board will hear the final public meeting/hearing on July 27, 2010 provided the Board approves setting the additional public hearing (agenda item 3.b.6.). He introduced Ralph Bove, Jr. of Dyer, Riddle, Mills & Precourt, Inc. (DRMP) who gave a PowerPoint presentation of the project to date incorporating comments and concerns expressed at the May 11, 2010 meeting.

Clerk's Note: 2nd Vice Chairman Mask, being an employee of SECO, did not participate in discussions of this matter and filed a "Conflict of Interest" form for the record.

PUBLIC

Jim Duncan, CEO of SECO, expressed that from SECO's perspective the newest concept, which appears to exclude any apparent change in SR 471 and US 301, will be the best for their operation. He requested that SECO be kept in the loop as the process continues.

Jim Carmichael, General Manager, Shady Brook Golf and RV Resort, advised that Shady Brook is not in favor of the latest proposal which would greatly affect Shady Brook.

Barbara Marsh Lasley, 15 CR 527N, Sumterville, advised that her family will lose 10-20 acres of property.

Hubert Hughes, 178 N US Highway 301, Lot 1, Sumterville, advised that he was in favor of the "blue" option.

Bill Howton, General Manager, Dixie Lime and Stone, advised that the newest option would be best for the mine.

Chairman Gilpin closed the public portion of the hearing.

06-22-10-1-a

06-22-10-1-a e-mails

06-22-10-1-a e-mails-1

06-22-10-1-a e-mails-2

b. 5:30 p.m. - Public Hearing - Zoning and Adjustment Board recommendations

Chairman Gilpin called for a public hearing to consider the recommendations of the Zoning and Adjustment Board. Proof of Publication, as advertised, filed herewith.

Chairman Gilpin advised that "If you plan to speak during any of the public hearings listed under number 1 of the agenda which are marked with an asterisk, indicating they are quasi judicial in nature, please rise and be sworn." Those responding were sworn in by Melissa Elliott, Deputy Clerk. Chairman Gilpin reminded the audience that "only competent, substantial, fact based testimony or evidence will be considered by the Board in deciding the quasi judicial matters listed on today's agenda. Pure speculation or opinion, not based on competent facts, cannot be legally considered by the Board in weighing the appropriateness of the quasi judicial application. If you intend to speak on an item marked "quasi judicial," please keep this in mind. Finally, please state your name, address and whether or not you have been sworn when you approach the podium to speak on a quasi judicial matter."

1. *R2010-0005 - Rezoning to RR1 - Edmond & Rosa Harrison - CR 721/Linden

The Chairman polled the Board Members for ex parte communications, either written or verbal, related to this case. Commissioner Hoffman-none; Commissioner Breeden-none; Vice Chairman Burgess-none; 2nd Vice Chairman Mask-none; and Chairman Gilpin-none.

Brad Cornelius, Planning Manager, advised that the applicant is requesting a rezoning on 2.30 acres MOL from A1 to RR1 to allow a Class "B" mobile home. The general area is a mixture of conventional (site) built homes, and Class "A" and Class "B" mobile homes. There were six notices sent out with two being returned in favor and one in objection. The applicant acknowledged that a portion of the property is in a flood plain. The Zoning & Adjustment Board recommended approval by a vote of 11-0.

PUBLIC - There was no public input.

06-22-10-1-b

2nd Vice Chairman Mask moved, with a second by Commissioner Breeden, to approve R2010-0005, request by Edmond and Rosa Harrison to rezone 2.30 acre MOL from A1 to RR1. The motion carried unanimously 5 - 0.

* Quasi Judicial Hearing

2. REPORTS AND INPUT

a. County Administrator

1. Introduction of Mr. David Levesque - Transit Manager (For Information Only)

06-22-10-2-a-1

2. Purchase Orders (For Information Only)

06-22-10-2-a-2

3. Significant Schedule of Items (For Information Only)

06-22-10-2-a-3

4. Facilities Development Project Update (For Information Only)

06-22-10-2-a-4

5. Department Surveys for May (For Information Only)

06-22-10-2-a-5

6. Sumter County Revenue update (For Information Only)

06-22-10-2-a-6

7. Horizon Health Program Impact Analysis (For Information Only)

06-22-10-2-a-7

8. Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2010 Local Solicitation (For Information Only)

This grant is in the amount of \$13,678 and will be used to purchase computer

software equipment that will be utilized to analyze criminal activity data to evaluate similarities. The program title is "Sumter County Sheriff's Crime Network Enhance Grant."

06-22-10-2-a-8

9. County Road 468 Improvement Projects: Pre-Suit Mediations Progress Energy Easement located on CR 468 (For Information Only)

06-22-10-2-a-9

10. Lake Panasoffkee Lakefront Property (For Direction)

This property, which consists of 29 acres with 2,700 LF of lake front property, is being offered to the County by the owner, Robert L. Hutchinson, for \$2,000,000 to be used as a County Park. Mr. Arnold does not advise the Board to pursue this opportunity. After discussion, the consensus of the Board was not to move forward with this.

06-22-10-2-a-10

11. Lake Panasoffkee Community Building (For Direction)

This property was deeded to the County on February 20, 1961 by O'Neal and Jettie Pearl Marsh. There is a reversion clause in the deed that if it ceases to be used for public purposes then the property will return to the grantors, their heirs, assigns or representatives. The conveyed property does not have an area for parking and therefore the parking area is leased for \$150 per month. The lease automatically renews each year until notice of termination is provided per the terms of the lease agreement. The community building has limited use: (1) Mid-Florida Community Services, Inc. uses the building for congregate meals (also at the Sumterville Community Building); (2) AA meetings; and (3) motorcycle club. Mr. Arnold would like to pursue some options in the following order:

1. Request from the property owners of J15=003 (the parking lot lessor) to provide a warranty deed for the needed parking lot in lieu of continuing the lease for the same. If yes then we continue to operate the building for the above-mentioned public purposes.

2. If the answer is no to #1 then request an assignment of the Lake Panasoffkee Community Building to either Mid-Florida Community Services, Inc. or to the Sumter County Historic Society. Both proposed assignees would meet the test of public purposes. The lease could also be assigned to the receiving entity.

3. If the answer is no to #2 then return the facility to Mrs. Jettie Kern (formerly Jettie Pearl Marsh). In this event the three regular users of the building can be

reassigned to use the Sumterville Community Center which is approximately 2.2 miles away.

The consensus of the Board was for Mr. Arnold to pursue the options in the order listed.

06-22-10-2-a-11

Mr. Arnold added the following items to his agenda:

12. Sumter County Stimulus Corrections/Law Enforcement Grant (Edward Byrne Memorial Justice Assistance Grant)

This is a request for an extension to the grant which is in the amount of \$302,920. The extension would be from September 30, 2010 until March 31, 2011. The reason for the request was the delay in the hiring of the additional correction officers for the new jail.

06-22-10-2-a-12

Vice Chairman Burgess moved, with a second by 2nd Vice Chairman Mask, to approve the extension of the Sumter County Stimulus Corrections/Law Enforcement Grant (Edward Byrne Memorial Justice Assistance Grant) until March 31, 2011. The motion carried 4 - 1 with Commissioner Hoffman voting nay.

13. Conditional Offer of Employment - Public Works Director

Mr. Arnold requested approval of a Conditional Offer of Employment to Mr. Scott B. Cottrell as Public Works Director. It is requested that Mr. Cottrell accrue vacation at 6.25 percent rather than the normal 5.00 percent. The start date will be no later than August 23, 2010.

06-22-10-2-a-13

Commissioner Breeden moved, with a second by Commissioner Hoffman, to approve the Conditional Offer of Employment to Scott B. Cottrell as Public Works Director. The motion carried unanimously 5 - 0.

14. Agenda Item 3.c.2 - Citizens Advisory Task Force vacancies

Mr. Arnold advised that he had received an additional application for this committee from Kathy Young, Housing Manager. Ms. Young is a county employee, however, it has been determined that there is no conflict of interest or prohibition of her being appointed to this committee.

b. County Attorney

Derrill McAteer read the following deeds pertaining to CR 44A into the record: (1) The Villages Operating Company to Sumter County, OR Book 2200, Page 390; (2) Villages of Southwest Plaza, LLC to Sumter County, OR Book 2200, Page 392; and (3) The Villages of Lake-Sumter, Inc. to Sumter County, OR 2200, Page 395.

06-22-10-2-b-1

c. Clerk of Court - No report.

d. Board Members

1. Commissioner Richard Hoffman

Commissioner Hoffman congratulated Commissioner Breeden, Vice Chairman Burgess and Chairman Gilpin on their unopposed re-election to the Board of County Commissioners for another term.

2. Commissioner Garry Breeden - No report.

3. 2nd Vice Chairman Randy Mask - No report.

4. Vice Chairman Don Burgess

Vice Chairman Burgess advised that he had attended the Medical Examiner's District Five meeting last week where they approved a new conservative budget for next year with no increases.

5. Chairman Doug Gilpin - No report.

e. Public Forum - No report.

3. NEW BUSINESS-ACTION REQUIRED

a. MINUTES

1. Minutes of Regular meeting held on June 8, 2010 (Staff recommends approval).

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve the minutes of the regular meeting held on June 8, 2010. The motion carried unanimously 5 - 0.

2. Minutes of Regular meeting held on May 25, 2010 (Staff recommends approval).

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve the minutes of the regular meeting held on May 25,

2010. The motion carried unanimously 5 - 0.

b. FUTURE PUBLIC HEARINGS OR MEETINGS

1. Schedule a Public Hearing on July 13, 2010 at 5:00 pm, located at the Sumter County Government Offices, Room 142, to consider the creation of the North Sumter County Utility Dependent District via Ordinance (Staff recommends approval).

06-22-10-3-b-1

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve to schedule a Public Hearing on July 13, 2010 at 5:00 pm, located at the Sumter County Government Offices, Room 142, to consider the creation of the North Sumter County Utility Dependent District via Ordinance. The motion carried unanimously 5 - 0.

2. Schedule Public Hearing on July 13, 2010 at 5:00 pm, located at the Sumter County Government Offices, Room 142 to receive public input and consider the adoption of the Local Mitigation Strategy update (Staff recommends approval).

06-22-10-3-b-2

2nd Vice Chairman Mask moved, with a second by Commissioner Hoffman, to approve to schedule a Public Hearing on July 13, 2010 at 5:00 pm, located at the Sumter County Government Offices, Room 142 to receive public input and consider the adoption of the Local Mitigation Strategy update. The motion carried unanimously 5 - 0.

3. Set Public Hearing for July 13, 2010 at 5:00 pm, located at the Sumter County Government Offices, Room 142, to Consider the Community Development Block Grant (CDBG) to improve the drainage in a low to moderate income subdivision known as Panacoochee Retreats, hold a Fair Housing Meeting for the general public and elected officials, approve the resolution, and authorize the Chairman to sign and submit the grant application (Staff recommends approval).

06-22-10-3-b-3

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve to set a Public Hearing for July 13, 2010 at 5:00 pm, located at the Sumter County Government Offices, Room 142, to Consider the Community Development Block Grant (CDBG) to improve the drainage in a low to moderate income subdivision known as Panacoochee Retreats, hold a Fair Housing Meeting for the general public and elected officials, approve the resolution, and authorize the Chairman to sign and submit the grant application. The motion carried unanimously 5 - 0.

4. Schedule Public Hearing on July 13, 2010 at 5:00 pm, located at Sumter County Government Offices, Room 142 to amend Ordinance 2008-14 for the Affordable Housing Advisory Committee (AHAC) to correct number of members, add alternates and change terms (Staff recommends approval).

06-22-10-3-b-4

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve to schedule a Public Hearing on July 13, 2010 at 5:00 pm, located at Sumter County Government Offices, Room 142 to amend Ordinance 2008-14 for the Affordable Housing Advisory Committee (AHAC) to correct number of members, add alternates and change terms. The motion carried unanimously 5 - 0.

5. Schedule Public Hearing on July 27, 2010 at 5:00 pm, located at the Colony Cottage Recreation Center, Parlor Room, to consider an Amendment to the Interlocal Service Boundary and Joint Planning Agreements with the City of Wildwood Ordinance (Staff recommends approval).

06-22-10-3-b-5

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve to schedule a Public Hearing on July 27, 2010 at 5:00 pm, located at the Colony Cottage Recreation Center, Parlor Room, to consider an Amendment to the Interlocal Service Boundary and Joint Planning Agreements with the City of Wildwood Ordinance. The motion carried unanimously 5 - 0.

6. Schedule a Public Hearing on July 27, 2010 at 5:00 pm, located at the Colony Cottage Recreation Center, Parlor Room, to conduct the Final Public Hearing regarding the future alignment and widening of C-470 to conclude the Preliminary Development & Preliminary Environmental Study (Staff recommends approval).

06-22-10-3-b-6

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve to schedule a Public Hearing on July 27, 2010 at 5:00 pm, located at the Colony Cottage Recreation Center, Parlor Room, to conduct the Final Public Hearing regarding the future alignment and widening of C-470 to conclude the Preliminary Development & Preliminary Environmental Study. The motion carried unanimously 5 - 0.

c. APPOINTMENTS

1. Membership appointment of Transit Manager, David Levesque, to the Technical Advisory Committee of the Lake Sumter MPO (Board's option).

06-22-10-3-c-1

Commissioner Breeden moved, with a second by Vice Chairman Burgess, to approve the membership appointment of Transit Manager, David Levesque, to the Technical Advisory Committee of the Lake Sumter MPO. The motion carried unanimously 5 - 0.

2. Citizens Advisory Task Force vacancies (Board's option).

06-22-10-3-c-2

Commissioner Hoffman moved, with a second by 2nd Vice Chairman Mask, to approve the appointment of William Donahue, Allen Wise and Kathy Young to the Citizens Advisory Task Force. The motion carried unanimously 5 - 0.

3. Review of appointees and terms on the Tourist Development Council (Board's option).

No action taken.

06-22-10-3-c-3

4. Enterprise Zone Development Agency vacancies (Board's option).

No action taken.

06-22-10-3-c-4

5. Lake Sumter EMS vacancy (Board's option).

06-22-10-3-c-5

Commissioner Hoffman moved, with a second by Commissioner Breeden, to approve the reappointment of Mayor Ed Wolf, City of Wildwood, to the Lake Sumter EMS Board of Directors. The motion carried unanimously 5 - 0.

6. Library Advisory Board vacancies (Board's option).

No action taken.

06-22-10-3-c-6

d. FINANCIAL

1. Purchase Order Approval (Staff recommends approval).

06-22-10-3-d-1

2. Change fund for the Clerk's Finance office (Staff recommends approval).

06-22-10-3-d-2

3. Retire the 1998 Bond (Staff recommends approval).

Staff recommends using funds in reserve for contingencies to retire this bond issue. In retiring the bond issues, funds currently pledged to the principal, interest and reserve payments (~\$541,419) will flow to General Fund creating additional recurring revenue. The revenue comes from Revenue Sharing, the Half-Cent Sales Tax, and Pari-Mutual Revenue that is pledged to servicing principal and interest of existing bond issues. When the debt payments are satisfied, the surplus flows to General Fund. When this issue is retired, there will be two active bond issues: 2003 Capital Improvement Revenue Refunding Bonds and the 2006 Capital Improvement Revenue Bonds.

06-22-10-3-d-3

4. Establish change bank for Self-Check Kiosk at The Villages Public Library at Belvedere (Staff recommends approval).

06-22-10-3-d-4

5. Resolution to Alter the Fee Schedule of the Sumter County Health Department (Staff recommends approval).

06-22-10-3-d-5

6. Budget Amendment A-90 (FY 09/10) Court Improvement Fund (Staff recommends approval).

06-22-10-3-d-6

7. Budget Amendment A-92 (FY 09/10) 2006, 2003, & 1998 Sinking Fund (Staff recommends approval).

06-22-10-3-d-7

8. Budget Amendment A-93 (FY 09/10) Sumter Fire Impact Fund - Capital Lease Payoff (Staff recommends approval).

06-22-10-3-d-8

9. Budget Amendment A-94 (FY 09/10) Public Defender Communication Services (Staff recommends approval).

06-22-10-3-d-9

10. Budget Amendment A-95 (FY 09/10) Workers Compensation Premiums for Animal Control and Probation (Staff recommends approval).

06-22-10-3-d-10

11. Award septic pump out bids to Lewis Brothers, Inc. for State Housing Initiatives Partnership (SHIP) program (Staff recommends approval).

06-22-10-3-d-11

12. Pay balance on the Lease/Purchase Agreement with Leasing 2, Inc. for Fire Equipment (Staff recommends approval).

06-22-10-3-d-12

13. Amend Financial Policy to address the Other Post Employment Benefit Reserve, OPEB Reserve (Staff recommends approval).

Discussion: These monies would be placed in an unrestricted reserve account.

06-22-10-3-d-13

Vice Chairman Burgess moved, with a second by Commissioner Breeden, to approve Items 1 through 13 under Financial. The motion carried unanimously 5 - 0.

e. CONTRACTS AND AGREEMENTS

1. First Amendment to the Southwest Florida Water Management District Purchase Contract (Staff recommends approval).

This amendment pertains to the former spoil site property. The amendment removes the assignment of the Fletcher Marine, Inc. (FMI) agreement to Sumter County for management. The reason for this deletion is the uncooperative position of FMI to allow the assignment to occur without additional consideration.

06-22-10-3-e-1

2. First Amendment to the E5 Solutions, Inc. Professional Services Agreement for

Economic Development Marketing and Program Support (Staff recommends approval).

E5 Solutions has requested this amendment to reflect the actual dates to complete the strategic plan and to provide time to complete the industrial site/facility inventory. The activities will still be completed within the term of the agreement which terminates October 31, 2010.

06-22-10-3-e-2

3. Revision to Exhibit to HIPAA-AS Addendum to Administrative Services Agreement Disclosure of PHI for Plan Administration (Staff recommends approval).

06-22-10-3-e-3

4. BCBS of Florida, Inc. Amendment to HIPAA-AS Addendum to Administrative Services Agreement (Staff recommends approval).

06-22-10-3-e-4

5. Business Associate Agreement (BAA) between Lifestream Behavioral Health and Sumter County Transit (Staff recommends approval).

06-22-10-3-e-5

6. Amend contract with Architectural Studio Inc. for Amendment No. 3 for services related to the exterior of the Historic Courthouse (Staff recommends approval).

There is a need to expand architect and engineering services due to deficiencies with the exterior envelope of the Historic Courthouse to include, but not limited to, windows, doors, brick and roof components.

06-22-10-3-e-6

2nd Vice Chairman Mask moved, with a second by Vice Chairman Burgess, to approve Items 1 through 6 under Contracts and Agreements. The motion carried unanimously 5 - 0.

f. GENERAL ITEMS FOR CONSIDERATION

1. Accept Property/Inland Marine/Crime proposal from Florida Association of Counties Trust (FACT)/Florida Municipal Insurance Trust (FMIT) for 14.5 month term (Staff recommends approval).

06-22-10-3-f-1

2. Schedule of Financial Incentives (Staff recommends approval).

On November 10, 2009 the BOCC entered into an agreement with E5 Solutions, Inc. to perform certain development professional services. This Final Schedule of Incentives is related to that agreement. After discussion it was suggested to set a cap on the amount of monies allotted. The following language is to be added into the schedule: "subject to the annual appropriation set aside by the Board of County Commissioners." The current plan is to set aside \$200,000.

06-22-10-3-f-2

3. Inventory Transactions (Staff recommends approval).

06-22-10-3-f-3

4. Public Defender Lien Satisfaction, regarding Vernon M. Glass (Staff recommends approval).

06-22-10-3-f-4

5. Execute letter to Lake Sumter EMS regarding 911 Funding for Lake-Sumter EMS Communications Center and mutual aid agreement with LSEMS (Staff recommends approval).

06-22-10-3-f-5

6. Certificate of Public Convenience and Necessity for Advanced and Basic Life Support Transport Services (Staff recommends approval).

06-22-10-3-f-6

7. 2010-2011 Drug Task Force Justice Assistance Grant Application with Florida Department of Law Enforcement (Staff recommends approval).

The amount of this grant is \$85,212.

06-22-10-3-f-7

8. Roadway Acceptance - Unit 141, Unit 142, and Canal Street Phase 4 (O'Dell Circle to C-466A) (Staff recommends approval.)

06-22-10-3-f-8

This will increase Sumter County's current roadway infrastructure by 4.583 miles. A portion of this road acceptance package will fall under The Villages CDD Road Maintenance contract.

9. VOS, Sterling Heights Village Recreation Center, Preliminary Plans reviewed at the June 7, 2010, Development Review Committee (DRC) meeting (Staff recommends approval).

This proposed project is to develop a 12,500 +/- s.f. recreation facility and related infrastructure on 6.8 acres MOL.

06-22-10-3-f-9

10. Sumter County Transit Updated Substance Abuse Policy (Staff recommends approval).

This updated Standard Abuse Policy includes FDOT corrections to their referenced materials, the removal of alcohol testing requirement for pre-employment and the updates to the Drug and Alcohol Program Manager and Substance Abuse Professional.

06-22-10-3-f-10

11. Approve and execute State Housing Initiatives Partnership (SHIP) program satisfaction of mortgage for Bessie Pate (Staff recommends approval).

06-22-10-3-f-11

12. Request for waiver of Staff Costs for Fred III & Karen Claridge (Staff recommends approval).

06-22-10-3-f-12

13. Release of Lien by Mayan Mainstreet Investors I, LLC c/o Crew Financial Group, Inc., contingent upon the payment of staff costs (Staff recommends approval).

Clerk's Note: Staff recommends approval of this lien contingent upon payment of the ordered staff costs by Mayan Mainstreet Investors I, LLC.

06-22-10-3-f-13

14. Release of Lien for Cales Zane Elliott (Staff recommends approval).

06-22-10-3-f-14

15. Release of Lien for Walter M & Bonnie Kay S Richardson (Staff recommends approval).

06-22-10-3-f-15

16. Certification from Sumter County of the Murphy Act State Road Reservation

Amendment No. 3 to Rule 14-15.05, Right of Way Bureau Operating Procedures as authorized by the Florida Administrative Procedure Act (Staff recommends approval).

Clerk's Note: This is in relation to Murphy Deed #332 and Murphy Deed #572.

06-22-10-3-f-16

17. Approve the revisions to the Employee Manual to revise Section 5.025 Emergency Response Workdays to meet FEMA requirements for reimbursement (Staff recommends approval).

06-22-10-3-f-17

Commissioner Breeden moved, with a second by 2nd Vice Chairman Mask, to approve Items 1 through 17 under General Items for Consideration with the additional language to be added to Item 2. The motion carried unanimously 5 - 0.

4. ADJOURN

The meeting was adjourned at 6:20 p.m.